

ATTACHMENT 1

**Proposed Order Granting Thirty-Eighth Omnibus Objection (Non-Substantive) of the
Puerto Rico Highways and Transportation Authority and Employees Retirement System of
the Government of the Commonwealth of Puerto Rico to Duplicate and Deficient Claims**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to HTA and ERS.

**ORDER GRANTING THIRTY-EIGHTH
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE
PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY
AND EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO TO DUPLICATE AND DEFICIENT CLAIMS**

Upon the *Thirty-Eighth Omnibus Objection (Non-Substantive) of the Puerto Rico Highways and Transportation Authority and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Duplicate and Deficient Claims* (“Thirty-Eighth Omnibus Objection”)² of the Puerto Rico Highways and Transportation Authority (“HTA”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), dated June 6, 2019, for entry of an order disallowing in their entirety certain claims filed against

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Thirty-Eighth Omnibus Objection.

HTA or ERS, as more fully set forth in the Thirty-Eighth Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Thirty-Eighth Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Thirty-Eighth Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and each of the claims identified in Exhibit A to the Thirty-Eighth Omnibus Objection (collectively, the “Duplicate and Deficient Claims”) being related to a purported ownership interest in mutual fund(s) that, even assuming the claimants have standing to assert the claims, would be partially duplicative of one or more Master Proofs of Claim and partially deficient by failing to comply with the applicable rules and the Bar Date Orders by not providing a basis for a portion of the claim, such that HTA and ERS cannot determine the validity of this portion of the claim; and the Court having determined that the relief sought in the Thirty-Eighth Omnibus Objection is in the best interest of HTA and ERS, their creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Thirty-Eighth Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Thirty-Eighth Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the Duplicate and Deficient Claims are hereby disallowed in their entirety; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the Duplicate and Deficient Claims from the official claims register in the Title III Cases; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge